

Applic. No. 10/633,995

Amdt. dated November 14, 2005

Reply to Office action of August 11, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1 and 4-16 remain in the application. Claims 1 and 4-8 have been amended. Claims 2 and 3 are being cancelled herewith. Claims 9-16 have been withdrawn from consideration.

In item 1 on page 2 of the above-identified Office action, the Examiner requires affirmation of the provisional election to prosecute the invention of Fig. 1, claims 1-8, made by Werner Stemer on July 29, 2005. Affirmation of the provisional election of Fig. 1, claims 1-8, is herewith made.

In item 2 on page 2 of the Office action, claims 2-6 and 8 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that regarding claim 2, it is unclear what is meant by the limitation "endlessly revolving flexible drives". Claim 2 has been cancelled and the subject matter thereof has been added to independent claims 1 and 6. The subject matter of claim 2 has been amended to further clarify the claim. Therefore, the rejection of claim 2 is believed to have been overcome.

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The Examiner stated that regarding claim 5, it is unclear what is meant by the limitation "longitudinally extending connecting line through which suction air is applicable by ~~said air delivery element jointly to said suction elements~~".

It is noted that the Webster's New World Dictionary gives the definition of "jointly" as: common. Therefore, the suction air is applied to the suction elements commonly or together. Accordingly, it is believed that the term "jointly" is clear. Therefore, the claim has not been amended to overcome the rejection.

The Examiner stated that regarding claim 5, it is unclear if the recited "said suction elements" refers back to the suction elements recited in claim 2 or claim 4. Claim 5 has been amended to further clarify the claim. Therefore, the rejection of claim 5 is believed to have been overcome.

The Examiner stated that regarding claim 8, it is unclear what elements drive the impellers. Claim 8 has been amended to further clarify the claim. Therefore, the rejection is believed to have been overcome.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further

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objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or ~~clarificatory reasons. The changes are not provided for~~ overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 3 on page 4 of the Office action, claims 1, 2, and 4 have been rejected as being fully anticipated by Blaser (U.S. Patent No. 5,431,386) under 35 U.S.C. § 102.

It is appreciatively noted from item 4 on page 4 of the Office action that claims 3, 6, and 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and amended to overcome the rejections under 35 U.S.C. §112, second paragraph noted above.

As noted above, claim 2 has been amended to overcome the rejections under 35 U.S.C. §112, second paragraph.

Claim 1 has been amended to include the subject matter of allowable claim 3 and intervening claim 2. Therefore, claim 1 is allowable. Since claim 1 is allowable, dependent claims 4 and 5 are allowable as well. Furthermore, claim 1 is generic

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with respect to withdrawn claims 9, 10, and 12-15. Therefore,
withdrawn claims 9, 10, and 12-15 are allowable as well.

~~Allowable claim 6 has been amended to include the subject~~
matter of independent claim 1 and intervening claim 2.

Therefore, claim 6 is allowable. Since claim 6 is allowable,
dependent claim 8 is allowable as well. Withdrawn claim 11 is
dependent on generic claim 6. Therefore, withdrawn claim 11
is allowable as well.

Allowable claim 7 has been amended to include the subject
matter of independent claim 1. Therefore, claim 7 is
allowable.

Withdrawn claim 16 has been amended to include the subject
matter of allowable claim 7. Therefore, claim 16 is believed
to be allowable as well.

Allowance of 1 and 4-16 is solicited after rejoinder of claims
9-16.

Enclosed herewith is the fee for one additional independent
claim in the amount of \$200.

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In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


For Applicant(s)

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November 14, 2005

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